

Remarks

Applicants respectfully request reconsideration of the above-referenced patent application.

I. Claim amendments

This Amendment C cancels claims 1-24, 29, 36-51, and 89. Thus, claims 25-28, 30-35, 52-75, 85-88, and 90-92 are pending (with claims 72-74 and 85-88 currently withdrawn from consideration). All pending claims (including the amendments) are shown above.

This Amendment C amends claims 25-28, 30-35, 52-56, 62-71, and 90-92. More specifically:

- A. Claims 25, 30, 33, 52, and 90 have been re-written as independent claims.
- B. Claims 25, 30, and 33 have been amended to delete various substituents from the R⁵ definitions in these claims.
- C. Claims 25, 30, 33, and 52 have been amended to delete various substituents from the R_a and R_b definitions in these claims.
- D. Claims 25, 30, and 33 have been amended to delete the provisos from these claims because the provisos are not needed in view of the amendments to these claims.
- E. Claims 26, 27, 31, 32, 34, 35, 53-56, and 62 have been amended to be more consistent with the claims from which they depend.
- F. Claim 28 has been amended to depend from claim 21 rather than from claim 1. Claim 28 has also been amended to delete various compounds from that claim.
- G. Claim 62 has been amended to depend from any one of claims 25, 30, 33, 52, 57, 58, 59, 60, 61, and 90 rather than from any one of claims 1 and 57-61.
- H. Claim 90 has been amended to incorporate the subject matter from claim 1 (*i.e.*, the claim from which claim 90 depended).
- I. Other amendments simply rephrase the claims to make the claim language more consistent and/or to correct obvious and/or typographical errors.

Applicants respectfully submit that the amendments to claims 25-28, 30-35, 52-56, 62-71, and 90-92 are supported by the application as filed and do not introduce new matter.

Applicants have canceled claims 1-24, 29, 36-51, and 89, and have amended claims 25-28, 30-35, 52-56, 62-71, and 90-92 solely to facilitate prosecution, and make no representation as to the merit of the rejections raised by the August 1, 2007 Office action.

Applicants reserve the right to pursue any canceled or unclaimed subject matter disclosed in this application in one or more later-filed continuation or continuation-in-part applications.

U.S. Patent Application No. 10/699,513
Amendment C
February 1, 2008

II. Response to 35 U.S.C. §112 (second paragraph) rejection

The Office action rejects claim 89 under 35 U.S.C. §112 (second paragraph) as being indefinite. As discussed above, Applicants have canceled claim 89, thus mooting the rejection.

III. Response to the 35 U.S.C. §102 rejections

The Office action rejects claims 1-4, 6-8, 15, 16, and 18 under (1) 35 U.S.C. 102(a) for lacking novelty in view of Dhanak et al., *Identification and Biological Characterization of Heterocyclic Inhibitors of the Hepatitis C Virus RNA-Dependent RNA Polymerase*, J. BIOL. CHEM. 277(41): 38322-7 (2002), and (2) 35 U.S.C. 102(e) for lacking novelty in view of WO0185172 and WO02098424. The Office action also rejects claims 1-71 and 89-92 under 35 U.S.C. 102(e) for lacking novelty in view of WO03059356. As discussed above, Applicants have canceled claims 1-24, 29, 36-51, and 89, thus mooting the rejections as to those claims. As to claims 25-28, 30-35, 52-71, and 90-92, Applicants respectfully request withdrawal of the rejection because the WO03059356 species do not fall within any one of claims 25-28, 30-35, 52-71, and 90-92.

III. Response to the 35 U.S.C. §102 rejections

Applicants acknowledge the Office action's determination that claim 58 is allowable.

* * * * *

Applicants authorize the Commissioner to charge to Deposit Account No. 01-0025 the 3-month extension fee. Applicants believe that they do not owe any other fee(s) for this filing. If, however, Applicants do owe such fee(s), the Commissioner is hereby authorized to charge those fee(s) to Deposit Account No. 01-0025. In addition, if there is ever any fee deficiency or overpayment under 37 C.F.R. §1.16 or §1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 01-0025.

Applicants submit that the application is in condition for allowance; and request that it be allowed. Applicants request that the Examiner call the undersigned if any questions arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,
Pratt et al.

/Lydia N. Nenow/
Lydia N. Nenow, PTO Reg. No. 52,530
Abbott Laboratories
Dept. 0377, Bldg. AP6A-1
100 Abbott Park Road
Abbott Park, IL 60064
(847) 938-0389 (tel)
(847) 938-2623 (fax)

U.S. Patent Application No. 10/699,513

Amendment C

February 1, 2008

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via the U.S. Patent and Trademark Office's electronic filing system on February 1, 2008.

/Lydia N. Nenow/
Lydia N. Nenow, PTO Reg. No. 52,530